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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188736
Party	Plaintiff Anastasia Beverly Hills, Inc., Anastasia Soare, and Anastasia Skin Care Inc.
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Submission	Motion to Extend
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Signature	/s/Laraine M.I. Burrell
Date	10/11/2012
Attachments	ABH Motion to suspend testimony period.pdf ( 7 pages )(286509 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANASTASIA BEVERLY HILLS, INC. ANASTASIA SOARE ANASTASIA SKIN CARE, INC.  Opposers,  v.  ANASTASIA MARIE LABORATORIES, INC.  Applicant.	Opposition No. 91188736
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**OPPOSERS' MOTION TO SUSPEND TESTIMONY PERIOD FOR 90 DAYS  
DUE TO PROCEDURAL DELAY CAUSED BY THE MOTION TO WITHDRAW FILED  
BY APPLICANTS' COUNSEL**

Opposers, ANASTASIA BEVERLY HILLS, INC., ANASTASIA SOARE and ANASTASIA SKIN CARE, INC. (Collectively "ABH" or "Opposers"), by and through their attorneys of record, the law firm of Greenberg Traurig, LLP, hereby submit this Motion to Suspend their Testimony Period pursuant to TBMP § 701, TBMP § 509, and Fed. R. Civ. P. 6(b), based upon Applicant's counsel filing a Motion to Withdraw on the eve of ABH's testimony period.

**I. Procedural Background:**

On January 24, 2009, ABH filed this Opposition proceeding. The forward movement of this proceeding has been stilted as the parties have filed a number of motions, each suspending the proceedings pending a determination on the motion by the board, and also through changes in counsel for both parties.

The proceedings were last resumed by Order of the Board dated September 6, 2012. The Order set out new proceeding deadlines including that Opposer's testimony period would commence on October 4<sup>th</sup>, 2012, ending on November 4<sup>th</sup>, 2012. In compliance with the Board's Order, Opposer filed and served its Pre-Trial disclosures on September 20, 2012 and has since been preparing for its Testimony Period, including preparation for the testimony deposition of AML's principal, Anastasia Marie Chehak.

On October 3, 2012, the eve of the commencement of ABH's Testimony Period, AML's counsel filed a Motion to Withdraw with the indication that AML intends to obtain new counsel.

On October 10, 2012, counsel for ABH contacted withdrawing counsel for AML to seek information about AML's new counsel, the ability to depose AML's principal, Anastasia Marie Chehak, within the current time period for ABH's testimony, and also whether counsel would stipulate to a 90 day suspension of ABH's testimony period. (See Burrell Dec. attached hereto). Despite a promise to answer these questions the following day, no answers to these questions have been provided.

Without knowing how long AML will take to obtain counsel, or how long new counsel will need to come up to speed with this proceeding, ABH reasonably believes it unlikely that Anastasia Marie Chehak, or any witnesses for AML will agree to be deposed during ABH's current Testimony Period ending on November 4, 2012. ABH anticipates facing objections to such depositions based upon either the lack of counsel, or the lack of preparation of new counsel.

As ABH does not know at this time the outcome of AML's Motion to Withdraw, when AML will obtain new counsel, if at all, and when new counsel will be prepared to engage in this proceeding, ABH seeks to suspend its Testimony Period for ninety (90) days to commence on January 4, 2013<sup>1</sup>. With the schedule amended as follows:

30-day testimony period for plaintiff's  
testimony in the opposition to close:

February 3, 2013

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<sup>1</sup> ABH determined that a 60 day extension would create difficulties in conducting testimony depositions across the country during the holiday season.

Defendant/Counterclaim plaintiff's pretrial disclosures due:	February 18, 2013
30-day testimony period for defendant in the opposition and as plaintiff in the counterclaim to close:	April 4, 2013
Counterclaim plaintiff's rebuttal Disclosures due:	April 19, 2013
30-day testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close:	June 3, 2013
Counterclaim plaintiff's rebuttal disclosures due:	June 22, 2013
15-day rebuttal period for plaintiff in the Counterclaim to close:	July 22, 2013
Brief for plaintiff in the opposition due:	September 20, 2013
Brief for defendant in the opposition and as plaintiff in the counterclaim due:	October 20, 2013
Brief for defendant in the opposition and as plaintiff in the counterclaim and its reply brief, if any, as plaintiff in the opposition due:	November 19, 2013
Reply brief, if any, for Plaintiff in the counterclaim due:	December 4, 2013

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Alternatively, ABH requests the Board reset the Testimony Periods to be set to run after the Board's decision on this Motion.

Respectfully Submitted:

DATED: October 11, 2012.

GREENBERG TRAURIG, LLP

/s/ Laraine M. I. Burrell

Allan Z. Litovsky

Laraine M. I. Burrell

Counsel for Opposers

ANASTASIA BEVERLY HILLS, INC.

ANASTASIA SOARE

ANASTASIA SKIN CARE, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2012, I served the foregoing **OPPOSER'S MOTION  
TO SUSPEND TESTIMONY PERIOD FOR 90 DAYS DUE TO PROCEDURAL DELAY  
CAUSED BY THE MOTION TO WITHDRAW FILED BY APPLICANTS' COUNSEL**

on:

Brewster B. Taylor, Esq.  
Stites & Harbison PLLC  
1199 N. Fairfax St., Suite 900  
Alexandria, Virginia 22314  
E-Mail: btaylor@stites.com  
*Counsel for Applicant*

*Anastasia Marie Laboratories, Inc.*

by causing a full, true, and correct copy thereof to be sent by the following indicated method or methods, on the date set forth below:

- ☒ by mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service at Las Vegas, Nevada.
- ☐ by hand delivery.
- ☐ by sending via overnight courier in a sealed envelope.
- ☐ by faxing to the attorney at the fax number that is the last-known fax number.
- ☒ by electronic mail to the last known e-mail address.

/s/ Cynthia L. Ney

An employee of Greenberg Traurig

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<p>ANASTASIA BEVERLY HILLS, INC. ANASTASIA SOARE ANASTASIA SKIN CARE, INC.</p> <p>Opposers,</p> <p>v.</p> <p>ANASTASIA MARIE LABORATORIES, INC.</p> <p>Applicant.</p>	<p>Opposition No. 91188736</p>
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**DECLARATION OF LARAIN M. I. BURRELL IN SUPPORT OF**  
**OPPOSER'S MOTION TO SUSPEND TESTIMONY PERIOD FOR 90 DAYS**  
**DUE TO PROCEDURAL DELAY CAUSED BY THE MOTION TO WITHDRAW FILED**  
**BY APPLICANTS' COUNSEL**

I, LARAIN M. I. BURRELL, under oath and penalty of perjury say:

1. I am over the age of eighteen years and, if called as a witness, could and would testify competently to the matters set forth herein from my own personal knowledge.

I am an attorney with the firm Greenberg Traurig LLP, counsel for Opposers, ANASTASIA BEVERLY HILLS, INC., ANASTASIA SOARE, and ANASTASIA SKIN CARE, INC., (collectively "ABH" or "Opposers") in the above-captioned proceeding.

2. I make this Declaration in support of the above-referenced motion.

3. On October 10, 2012 I personally spoke by telephone with Mari-Elise Taube, withdrawing counsel for Applicant, ANASTASIA MARIE LABORATORIES, INC. ("AML").

4. I asked Ms. Taube if she knew anything about new counsel, and whether it was likely we would be able to depose Anastasia Marie Chehak during our testimony period.

5. I also asked if her firm, or new counsel, would be willing to stipulate to suspending ABH's Testimony period for 90 days based upon the Motion to Withdraw and the likelihood that new counsel would need time to come up to speed in this matter.


6. Ms. Taube said she would reach out to AML and/or new counsel to find out where AML is as to new counsel, and if AML was willing to stipulate to the requested suspension.

7. As of this time, I have not received a response from Ms. Taube.

8. Based upon the limited period ABH has to conduct its testimony, ABH determined it prudent to file this Motion as soon as possible to protect its interest and ability to engage in a full and proper testimony period.

I declare under penalty of perjury of the laws of the United States that these facts are true to the best of my knowledge and belief.

DATED this 11th day of October, 2012.

  
Laraine M. I. Burrell